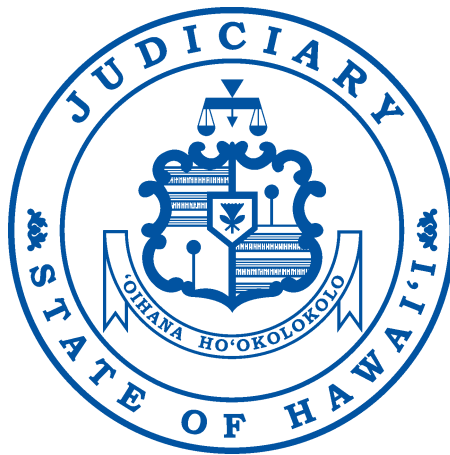


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# The Judiciary State of Hawai'i



2006 Annual Report

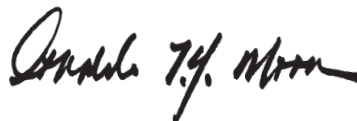
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*The mission of the Judiciary,  
as an independent branch of  
government, is to administer  
justice in an impartial, efficient  
and accessible manner in  
accordance with the law.*

I am pleased to present our 2006 Annual Report that details the work of the Judiciary during the past year. As an independent branch of government, the Judiciary's role is to administer justice in an impartial manner, free from outside influences.

This report reflects the dedication of the men and women who work in the court system. Each day, these employees strive to fulfill our mission, knowing that what they do may have far-reaching impacts upon people's lives. I am proud of our employees' work and extend to them my heartfelt thanks and appreciation. I also thank another valuable part of our Judiciary family—the many volunteers who unselfishly give of their time and talent to serve the people of Hawai'i.

On behalf of the Judiciary, I also extend our sincere appreciation to the Legislature for its continued support of our budgetary needs and legislative initiatives. I also wish warm *aloha* to Governor Lingle, her cabinet and members of the Legislature. We pledge our continued commitment to working with you to build a dynamic and progressive judicial system. Our mutual quest for excellence depends on our cooperative and collaborative efforts.



Ronald T. Y. Moon  
Chief Justice  
Hawai'i Supreme Court







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## Month-by-Month Highlights

### JANUARY

#### New Traffic Citation Forms Issued

On Jan. 1, police officers statewide began using new citation forms developed by the Hawai'i State Judiciary to charge individuals with parking infractions, traffic infractions and traffic crimes.

The forms are designed to reduce time and paperwork by providing officers with check-off boxes for offenses most frequently cited in each county. This also helps eliminate case-processing problems when handwritten information on citations is illegible or inaccurate.

Another significant change is that police officers no longer assign court dates, in most cases, for persons charged with civil traffic infractions. Instead, Judiciary staff will schedule court dates for traffic infractions only when requested by the motorists. The request for a court date must be made within 21 calendar days from the citation issue date. This change, enacted by the legislature in 2005, will give the Judiciary greater control over its traffic calendars.

#### Performance Program Evaluates Circuit and Family Court Jurists

Chief Justice Ronald Moon released the 11th Judicial Performance Program report summarizing evaluations of nine Circuit Court and eight Family Court jurists. The report also included juror evaluations of eight judges. Scores were based on a scale ranging from one (Poor) to five (Excellent).

Circuit Court judges had mean scores of 4.1 for legal ability, 4.1 for judicial management skills, 4.4 for comportment and 4.1 for settlement and/or plea agreement ability from attorneys completing the confidential questionnaires.

Family Court judges received mean scores of 4.1 for legal ability, 4.2 for judicial management skills, 4.3 for comportment and 4.2 for settlement and/or plea agreement ability.

Jurors gave the Circuit Court and Circuit-level Family Court judges a mean score of 4.9 for overall performance. They also gave the

judges high marks for patience (4.8), dignity (4.9), courtesy (4.9), attentiveness (4.9), fairness (4.9), absence of arrogance (4.9), absence of bias (4.9), absence of prejudice (4.9), clear communication of court procedures (4.9) and efficient use of court time (4.7).

#### Drug Court Administrator Honored for Anti-Tobacco Work

Barbara-Ann Keller, who directs the Maui Drug Court Program, received an individual award of recognition from the Maui Tobacco Free Partnership for her work in discouraging tobacco use among clients.

In accepting the award, she credited the Maui Drug Court team for promoting "truly clean and sober lifestyles" for Drug Court participants. Team members include Second Circuit Chief Judge Shackley Raffetto, Circuit Judge Joseph Cardoza and staff at the Aloha House outpatient treatment facility.

### FEBRUARY

#### Iraqi Lawyer Observes Maui Court

Haidar Jabar, a lawyer for the anti-corruption unit of the Iraqi government, observed trials and other court proceedings on Maui as part of Chief Judge Shackley Raffetto's court observer program. Mr. Jabar met Judge Raffetto last year when the judge traveled to Iraq as part of a six-member team from the Defense Institute of International Legal Studies.

Mr. Jabar, after sitting through an abuse trial in Judge Richard Bissen's courtroom, said "I was interested to see how citizens are called into court and selected to be jurors." (The Iraq judicial system does not use jurors.) He further commented, "I now have more information about the American legal system, about the jury system. Maybe we can benefit."

Mr. Jabar is a member of the Iraq Commission on Public Integrity working to educate Iraqi citizens about ethical conduct. Currently, the commission is investigating 500 corruption cases in Iraq.

## Month-by-Month Highlights

### Backlog of Unserved Arrest Warrants

In February, *The Honolulu Advertiser* ran a series of articles examining the backlog of unserved bench warrants. According to the *Advertiser*, key factors in creating the backlog include a lack of coordination among the courts, sheriffs, and police, insufficient staffing to serve arrest warrants, and the intensive paperwork involved in the process.

The Legislature passed several measures addressing the backlog of unserved arrest warrants. Act 28 authorizes the Attorney General to adopt administrative rules permitting retired police officers and retired public safety officers to serve arrest warrants. Another measure requires the Judicial Council, through a committee, to conduct a comprehensive review of the warrant backlog problem. A similar measure, SCR91 SD1, creates a task force headed by the Department of the Attorney General to study the warrant backlog problem.

### MARCH

#### Discussion Forum, Poster Exhibit Focus on World War II Propaganda

The Judiciary History Center presented a free program titled, "Propaganda v. Patriotism," on March 22 and April 12 at Ali'iōlani Hale. The program examined the role of film and mass media in shaping Americans' opinions, attitudes and national sentiment during World War II. A montage of movie clips from the era was shown in the

Center's theater. DeSoto Brown, Bishop Museum Collections Manager, Burl Burlingame, *Star Bulletin* Features Editor, and Professor Geoff White of the University of Hawai'i led an informal discussion and provided critical analysis of the clips.

The two evening programs augmented the Center's exhibit, "Produce For Victory: Posters on the American Home Front, 1941-45," on display from March 18 to April 19. The exhibit, on loan from the Smithsonian Institute, chronicles the U.S. government's World War II poster campaign to encourage patriotism.

### Successful Family Drug Court Program Holds 10th Graduation

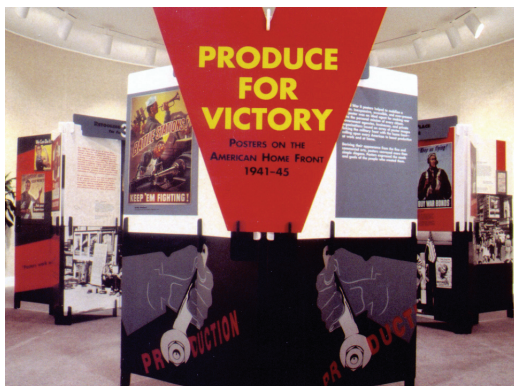
Twelve graduates, representing eight families, along with their families, friends, case workers and other court staff, celebrated their successful completion of the O'ahu Family Drug Court program (FDC) at a ceremony on March 31. The event marked the FDC's 10th graduation ceremony since the program's inception in 2002. Last year, the Legislature appropriated more than \$350,000 a year to establish the FDC as a permanent ongoing program in the First Circuit.

In a 2005 evaluation report, 60 adults (comprising 44 cases) who were enrolled in the FDC program were compared with 87 adults (comprising 43 cases) who did not go through the program. The FDC and non-FDC adults are the parents of 195 children. The study found a significant relationship between reunification with children and FDC involvement. An adult is significantly more likely to be reunified with her or his child(ren) if she or he was involved in the FDC for 30 days or more. Fifty-six percent of FDC adults were reunified with their children compared to 35 percent of non-FDC adults.

### APRIL

#### New Web Site Debuts for Big Island Jurors

Big Island residents summoned for jury duty are able to go to the Judiciary's Web site to learn when they must report to court.



The Smithsonian Institute's WWII traveling poster exhibit "Produce For Victory"



## Month-by-Month Highlights

Persons selected by the Third Circuit for jury service may learn the day, time and place they must report. Jurors still have the option of calling a code-a-phone to obtain this information. The information on the Web site and code-a-phone is updated by 5 p.m. one day prior to the report date. The site also has answers to questions frequently asked by the 40,000 statewide residents called annually for jury service.

### **Murayama Appointed First Circuit Deputy Chief Court Administrator**

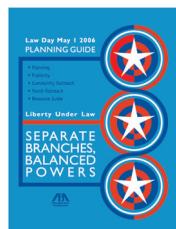
On April 6, Iris Murayama became the First Circuit's new Deputy Chief Court Administrator. As Deputy Chief Court Administrator, Ms. Murayama oversees the Court Operations and Court Services Divisions which encompasses the rural courts of Wahiawā, 'Ewa, Wai'anae and Kāne'ohe, the Traffic Violations Bureau, Legal Documents Sections I and II, Judicial Services (Court Clerks and Bailiffs), Estates and Guardianship, Court Reporters, Land and Tax Appeals Court and Jury Pool.

## **MAY**

### **Law Day 2006 Commemorated**

To celebrate this year's theme, "Liberty Under Law: Separate Branches, Balanced Powers," the Judiciary sponsored several activities demonstrating how the branches of government work for the common good within their separate specialties and duties.

The Supreme Court Law Library created posters highlighting the various types of legal resources available from each of the three branches of government. The video, "Broken Scales - Justice Under Influence," was also broadcast on public cable television.



### **"National Drug Court Month" Recognized**

At a May 15 statewide Drug Court Coordinating Committee meeting, Lt. Governor James "Duke" Aiona presented a proclamation to the chair of the committee, Judge Marcia Waldorf, acknowledging the

month of May as "National Drug Court Month" and Hawai'i as a participant.

The proclamation, signed by both Governor Linda Lingle and Lieutenant Governor Aiona, lauds Hawaii's nine drug court programs, and the 10th anniversary of the first, which is O'ahu's Adult Drug Court program.



*Lt. Governor "Duke" Aiona and Judge Marcia Waldorf commemorate May as Drug Court Month.*

### **Vehicle Registration Stoppers**

A new law, effective in May 2006, requires the Judiciary to issue vehicle registration stopper clearances to new owners who were not responsible for the fines underlying the stopper. Under 291D-10(b) of the Hawai'i Revised Statutes, as amended by Act 103 of the 2006 Legislature, a new owner of a vehicle upon which a registration stopper has been placed may get a "stopper clearance" from the court clerk upon proof that the vehicle was transferred after placement of the stopper.

## **JUNE**

### **Mick New Policy and Planning Department Chief**

Tom Mick was selected as the new Department Chief of the Policy and Planning Department. He had been the Acting Department Chief since August 2005.

Mr. Mick joined the Judiciary in 2000 as the Internal Audit Manager. He was the Director of the Naval Audit Office in Honolulu for the last 16 years. In that position, he supervised 20 auditors and conducted audits of Navy and Marine Corps programs, operations, and finances in Hawai'i, the Pacific and Indian Oceans.

## Month-by-Month Highlights

### JULY

#### New Appellate Process Launched

On July 1, a new appellate process went into effect directing appeals from trial courts and state agencies to the Intermediate Court of Appeals (ICA). The change is designed at speeding the appeal process and eliminating a backlog in the Hawai'i Supreme Court.

Cases will be filed with the ICA, where six ICA judges will hear cases in panels of three. The new process is expected to be more efficient than the original process where all five justices heard each case.

Some appeals are eligible for transfer to the Supreme Court and other cases are eligible to be heard directly by the Supreme Court.

#### HOPE Expands in Participation and Funding

In July, three felony trial court judges joined other judges in assigning offenders into the new, intense supervision program, Hawaii's Opportunity Probation with Enforcement (HOPE) program. HOPE is the brain-child of First Circuit Judge Steven Alm and is designed to reduce probation violations by drug offenders and others at high risk for recidivism.

The proven success of the program, launched in 2004, received a vote of confidence when the 2006 state legislature allocated an additional \$1.2 million to expand the program in the First Circuit. These funds will be used to hire additional probation officers and social services aides for outpatient and residential drug treatment services.



*(L-R) Judge Steven Alm and Chief Justice Ronald Moon meet with Dr. Mark Kleiman to discuss the HOPE program.*

### AUGUST

#### ABA Honors Chief Justice with Pursuit of Justice Award

On Aug. 4, the American Bar Association (ABA) Tort Trial & Insurance Practice Section (TIPS) conferred its "Pursuit of Justice" award upon Chief Justice Ronald Moon at a reception held during the ABA National Convention in Honolulu.

The TIPS Task Force on Plaintiffs' Involvement honored Chief Justice Moon for his many contributions to the pursuit of justice and for helping individuals gain access to the courts. According to an ABA press release, Chief Justice Moon has, among other things, worked diligently to improve the public's trust and confidence in the courts and ensure access to justice. He established Hawaii's Judicial Performance Program in 1993 to improve judicial performance, increased the efficiency of judicial management, and provided the Judicial Selection Commission with information for retention and promotion decisions.

#### Judiciary Volunteers Recognized at Ceremony

On Aug. 4, the Judiciary's Volunteers in Public Service (VIPS) program held its annual volunteer recognition luncheon at Ali'iōlani Hale. Chief Justice Ronald Moon thanked the volunteers present, and noted that the Judiciary has 425 active volunteers who contributed 40,721 hours in service to the Judiciary during the last fiscal year.

Founded in 1971, VIPS brings together community members from all walks of life who enjoy helping others. Volunteers serve in capacities such as docents, receptionists, computer operators, clerical aides and advocates for victims of child abuse and neglect.



## Month-by-Month Highlights

### SEPTEMBER

#### **Committee Established to Address Critical Foster Care Issues**

The first meeting of the Standing Committee on Children in Family Court was held Sept. 25. The committee will ensure an ongoing and collaborative effort between the Judiciary, executive branch agencies and private groups involved in foster care issues.

The committee was established as a result of recommendations from Family Court judges and officials from the Department of Human Services who attended a national summit in Minneapolis. They observed that most states are addressing critical foster care issues by strengthening the collaboration between all entities involved in foster care. The team from Hawai'i made several recommendations to Chief Justice Ronald Moon, including establishing a standing committee to ensure ongoing and collaborative efforts between agencies.

### OCTOBER

#### **Chief Judge Ibarra Honored, Outstanding Employees Recognized**

During a ceremony on October 13 in the Supreme Court courtroom, Chief Justice Ronald Moon honored Third Circuit Chief Judge Ronald Ibarra as the 2006 "Jurist of the Year." Chief Justice Moon also recognized individual employees and teams from the Hawai'i State Judiciary for their outstanding contributions to the court system.

Judge Ibarra's achievements include implementing and presiding over the Hilo and Kona Adult Drug Court Programs, serving as chair of the Committee on Probate Rules and Uniform Probate Code, and serving on the Judicial Education Committee. Known for his community outreach efforts, Judge Ibarra received an Outstanding Volunteer Community Service Award from the West Hawai'i Rotary Club.

Receiving the Distinguished Service award was Terri Gearon of the Second Circuit Administrative Services Division. This accolade is the most prestigious honor presented under the Judiciary's annual Incentive Awards program, and goes to

employees with 15 or more years of service who make outstanding contributions over the course of their careers.

Individual Meritorious Service awards went to First Circuit Adult Probation Division Administrator Ronald Hajime and to Administration Staff Attorney Lynn Inafuku. This honor recognizes employees who consistently maintain a high level of excellence on the job.

A Group Meritorious Service award for superior contributions went to the Third Circuit Drug Court Probation Officers Pagan Devela, Grayson Hashida, Aolani Mills, Rayson Noguchi, Kimiye Villesca and Jodi Ann Yoshida.



*Judge Ronald Ibarra*

Receiving the Spirit of the Judiciary award for consistently displaying a helpful and courteous attitude to the public and co-workers was Administrative Services Branch accountant Hattie Embernate of the Third Circuit and Wahiawā District

Court Clerk Tracy Ogata.

Honored with an individual Certificate of Commendation for superior performance was Steven Fernandes of the Policy and Planning Department.

#### **Judge Corrine Watanabe Receives Golden Gavel Award**

The Hawai'i State Bar Association (HSBA) honored Associate Judge Corinne Watanabe for her role in helping the Hawai'i State Judiciary address its technology needs and modernize its case management systems. Judge Watanabe received the Golden Gavel award during HSBA's annual luncheon meeting on Oct. 26 at the Hilton Hawaiian Village.

As co-chair of the Judiciary's Executive Committee on Technology, Judge Watanabe plays a major role in deciding which technology-related requests will be approved

## Month-by-Month Highlights



*Chief Justice Ronald Moon congratulates Associate Judge Corinne Watanabe on her award.*

and in prioritizing those requests. As co-chair of the Executive Steering Committee of the Judiciary Information Management System, she keeps the Judiciary moving towards the vision of a user-friendly statewide case management system and helps find solutions to meet the needs of a variety of internal and external users, including lawyers, judges, court staff and the public.

### NOVEMBER

#### **Constitutional Amendment on Repealing Mandatory Retirement for State Judges Fails**

A proposed constitutional amendment that would have allowed state judges to remain on the bench after age 70 was rejected by voters with 57.8 percent opposed and 34.8 percent in favor.

Had the measure passed, mandatory retirement for judges would have been repealed, enabling judges to remain on the bench for life, subject to reappointment.

Seven judges currently serving on the bench, Chief Justice Ronald Moon, Associate Justice James Duffy, Intermediate Appellate Court Chief Judge James Burns, Second Circuit Judge Joel August, Second Circuit Judge Shackley Raffetto, First Circuit Judge Michael Town, and Third Circuit Judge Matthew Pyun, will be required to retire before their 10-year terms expire.

#### **Jury Trials and Misdemeanor Jury Demand Trials Held in Kāneʻohe Courthouse**

Circuit Judge Reynaldo Gaulty and his staff moved from the District Court courthouse in Honolulu to the Kāneʻohe courthouse to hold circuit court proceedings. Currently, District Court traffic, misdemeanor and small and regular claims cases are the only cases heard at the Kāneʻohe courthouse.

Chief Justice Ronald Moon assigned Judge Gaulty's division and the misdemeanor jury demand calendar to Kāneʻohe to maximize the use of the Kāneʻohe courtrooms and to free up space in Kāneʻohe Hale, one of two overcrowded downtown Honolulu courthouses where trials are held.

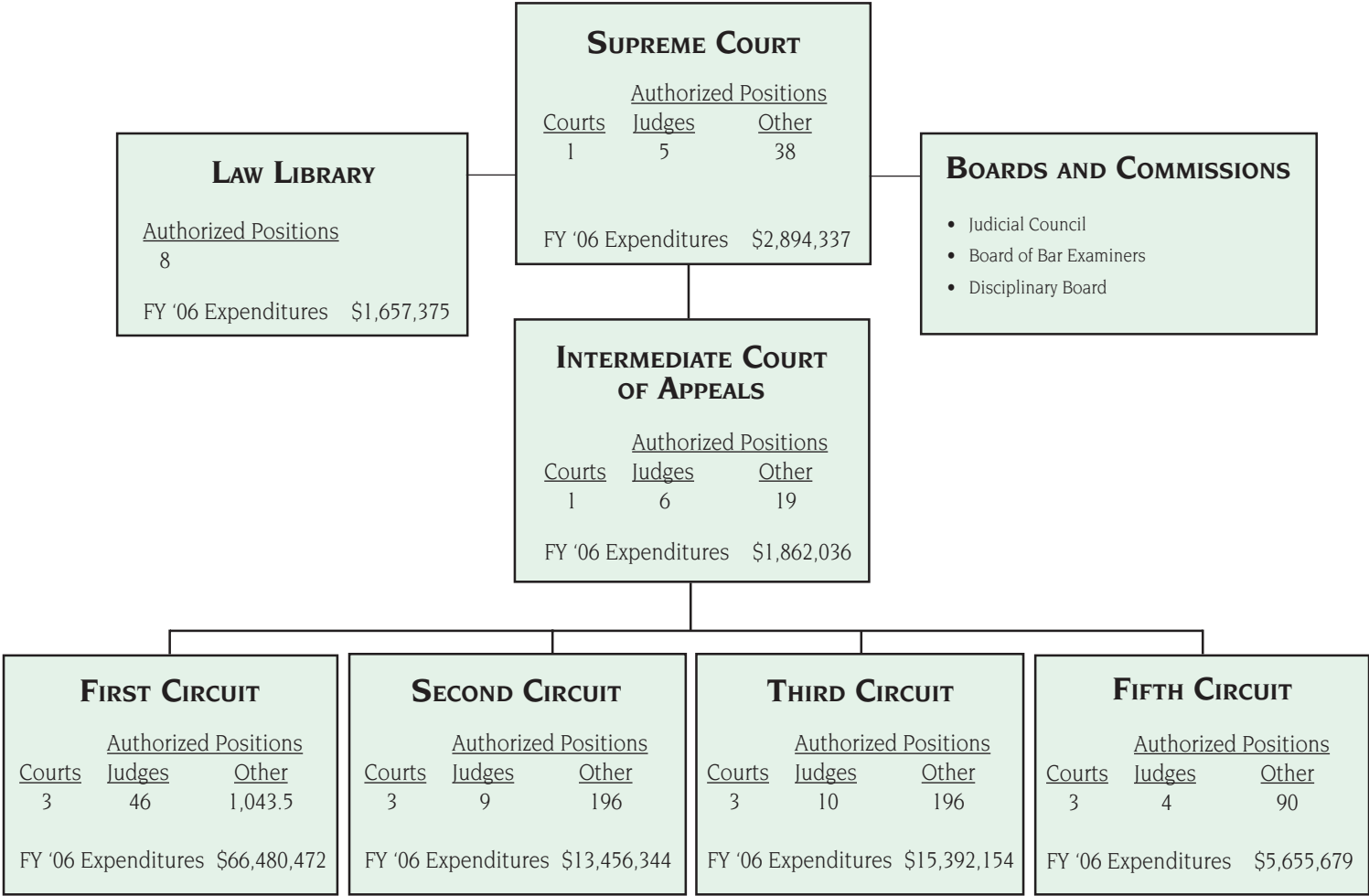
#### **Public Input Sought on Kapolei Court Complex Plans**

The Judiciary held a forum on Nov. 27 to update the public on plans for the Kapolei Court Complex and to gather comments and suggestions.

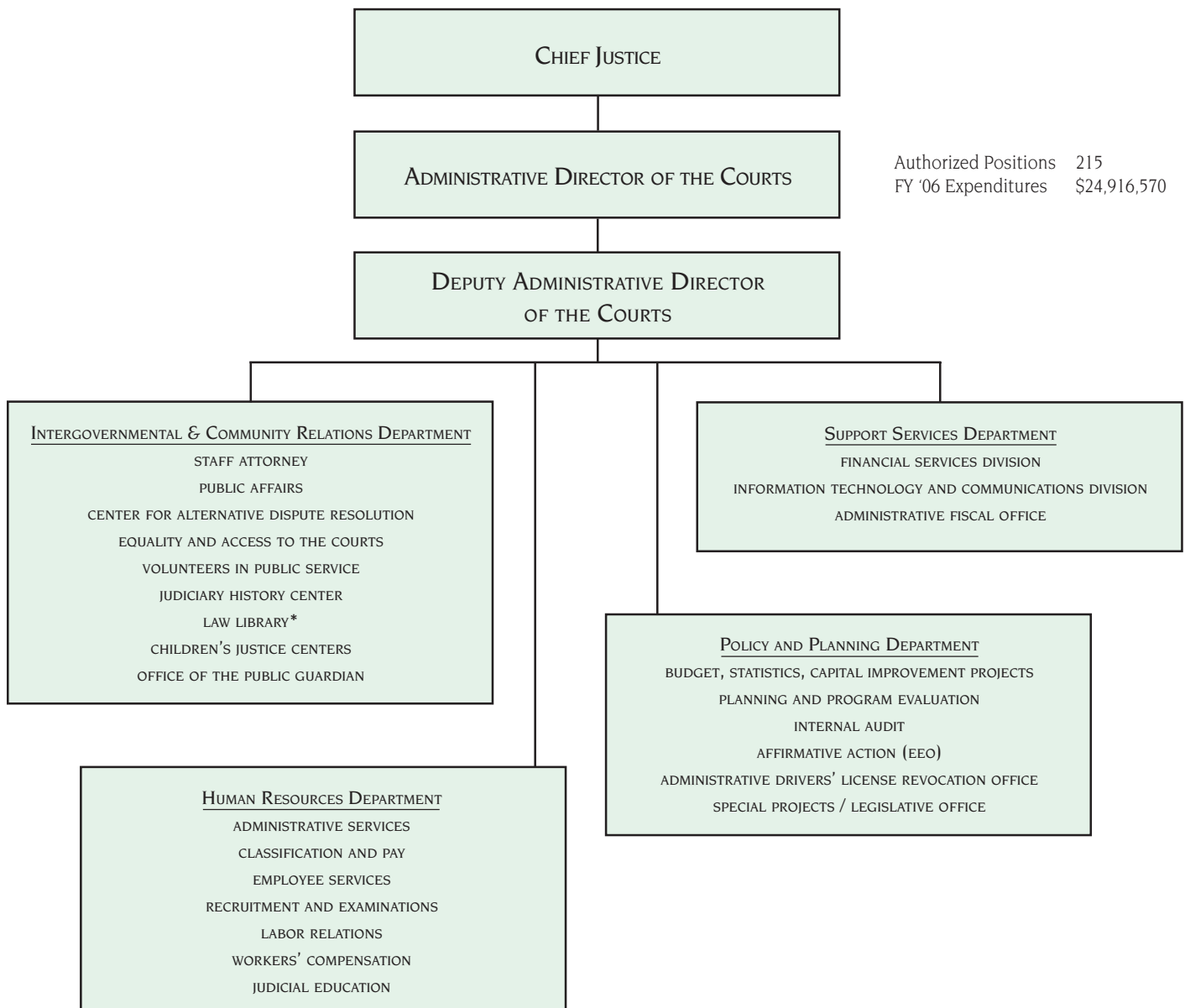
This much-needed complex in the rapidly developing Kapolei community will help relieve overcrowding at existing Oʻahu courthouses and provide many judicial services for the ʻEwa region. The complex will also include a new Juvenile Detention Facility. Despite significantly higher construction costs, plans to build the Kapolei Court Complex continue to progress with some modifications.

The scaled-back project will include a 120,000-square-foot Family Court complex and a 70,000-square-foot juvenile detention center. The original Family Court complex was about 260,000 square feet, and the smaller project means court officials will not be able to transfer as many administrative functions from downtown as they had planned.

# Structure of the Court System



# Structure of the Office of the Administrative Director of the Courts



\* Funding reflected under Courts of Appeal

Courts of Appeal

ACTIONS FILED

There were 640 primary cases filed in the Courts of Appeal during the 2005-06 fiscal year – 588 appeals and 52 original proceedings.

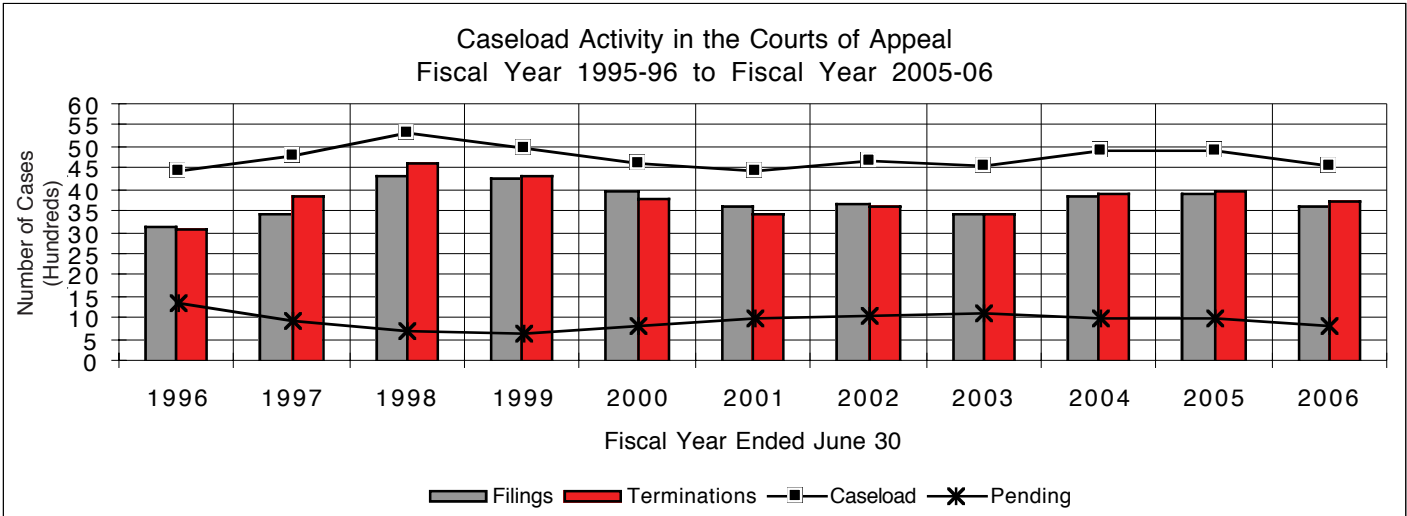
Supplemental proceedings, which arise out of primary cases, are comprised of motions, special stipulations and applications for certiorari. In fiscal year 2005-06, 2,965 supplemental proceedings were filed in the Courts of Appeal.

STATUS OF PENDING CASES

There were 811 primary cases and 38 supplemental proceedings pending in the Courts of Appeal at the end of the fiscal year. Of the 849 pending cases, 48% were being briefed, 44% were ready to be scheduled for hearing or, in the case of supplemental proceedings, ready and awaiting decision without further hearing, and 8% had been taken under advisement and were awaiting decision.

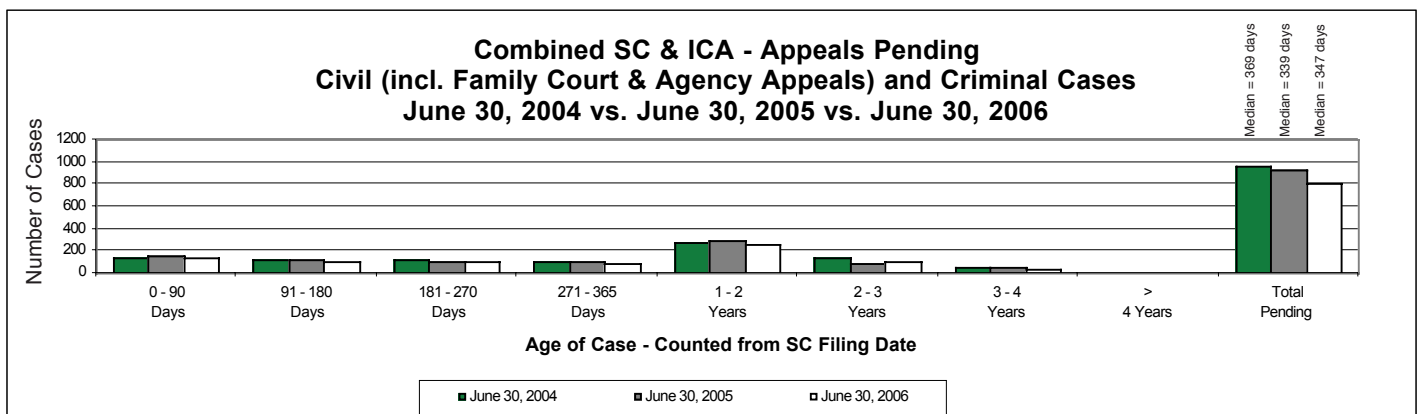
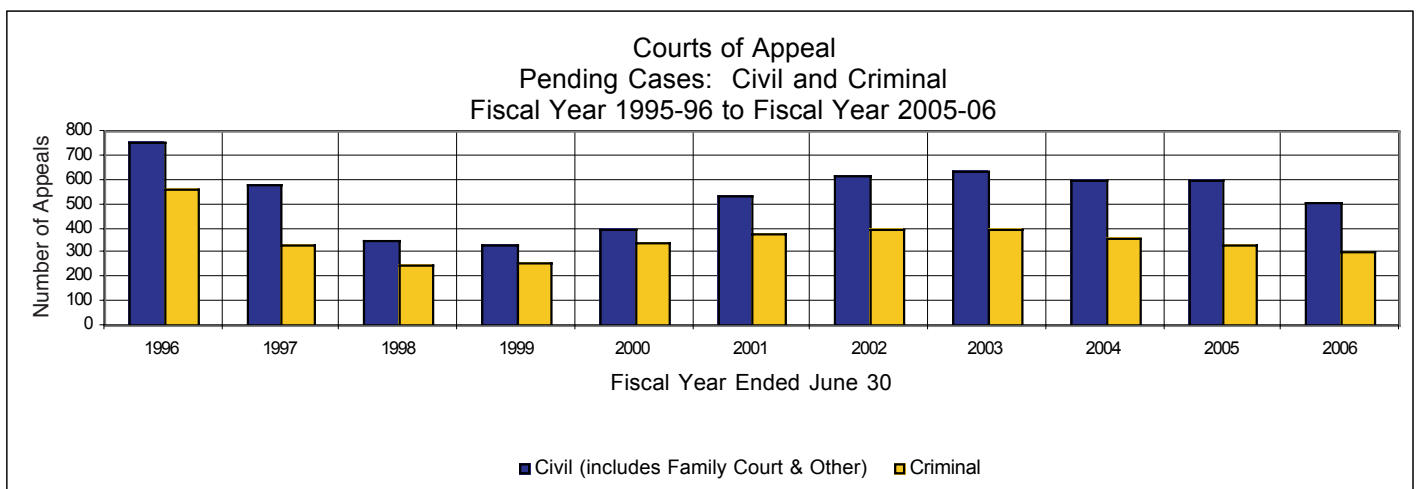
TERMINATIONS

The Courts of Appeal terminated 771 primary cases during fiscal year 2005-06, compared to 753 primary cases terminated during the previous fiscal year. Terminations of supplemental proceedings decreased from 3,216 last year to 2,969 this year.





*Courts of  
Appeal*



## Supreme Court

The Supreme Court of Hawai'i is the State's court of last resort. The Supreme Court hears appeals that are properly brought before the court upon applications for writs of certiorari to the Intermediate Court of Appeals and applications for transfer from the Intermediate Court of Appeals.

The Supreme Court also

- hears reserved questions of law from the circuit courts, the land court, and the tax appeal court;
- hears certified questions of law from federal courts;
- hears applications for writs to judges and other public officers;
- hears complaints regarding elections;
- makes rules of practice and procedure for all state courts;
- licenses, regulates, and disciplines attorneys; and
- disciplines judges.

Each appeal is decided on the basis of the written record. In some cases, the court may hear oral arguments. The court takes no evidence, except in original proceedings. Each justice, or a substitute from the Intermediate Court of Appeals or the Circuit Court, participates in every substantive matter before the court.

The Supreme Court is composed of a Chief Justice and four Associate Justices. Justices are nominated by the Governor from a list of not less than four and not more than six names submitted by the Judicial Selection Commission. A justice's nomination is subject to confirmation by the State Senate. Each justice is initially appointed for a ten-year term. To be considered for appointment, a person must be a resident and a citizen of the state and of the United States and licensed to practice law by the Supreme Court of Hawai'i for not less than ten years preceding their nomination. After initial appointment, the Judicial Selection Commission determines whether a justice will be retained in office. A justice may not serve past age 70.

The members of the Supreme Court are Chief Justice Ronald T. Y. Moon and Associate Justices Steven H. Levinson, Paula A. Nakayama, Simeon R. Acoba, Jr. and James E. Duffy, Jr.

## Supreme Court

### ACTIONS FILED

During fiscal year 2005-06, 639 primary cases were filed in the Supreme Court. There were also 2,770 supplemental proceedings filed before the Supreme Court.

### TERMINATIONS

Terminations of primary cases decreased from last fiscal year – 778 cases to 772. These included 318 cases assigned to the Intermediate Court of Appeals.

### STATUS OF PENDING CASES

At the end of the fiscal year, 464 primary cases and 29 supplemental proceedings were pending. All pending supplemental proceedings were complete and awaiting decision.

### JUSTICES AND THEIR TERMS

CHIEF JUSTICE RONALD T.Y. MOON

*March 31, 2003 - March 30, 2013*

ASSOCIATE JUSTICE STEVEN H. LEVINSON

*April 7, 2002 - April 6, 2012*

ASSOCIATE JUSTICE PAULA A. NAKAYAMA

*April 22, 2003 - April 21, 2013*

ASSOCIATE JUSTICE SIMEON R. ACOBA, JR.

*May 19, 2000 - May 18, 2010*

ASSOCIATE JUSTICE JAMES E. DUFFY, JR.

*June 27, 2003 - June 26, 2013*

## *Intermediate Court of Appeals*

The Intermediate Court of Appeals (ICA) is the court that hears nearly all appeals from trial courts and some state agencies in the State of Hawai'i. The ICA is composed of six judges who sit on panels of three. Judges are nominated by the Governor from a list of not less than four and not more than six names submitted by the Judicial Selection Commission. A judge's nomination is subject to confirmation by the State Senate. Each judge is initially appointed for a ten-year term. After initial appointment, the Judicial Selection Commission determines whether a judge will be retained in office. A judge may not serve past age 70.

The Intermediate Court of Appeals has discretionary authority to entertain cases submitted without a prior suit when there is a question of law that could be the subject of a civil action or a proceeding in the Circuit Court, or Tax Appeal Court, and the parties agree upon the facts upon which the controversy depends.

Cases in the Intermediate Court of Appeals may be transferred to the Hawai'i Supreme Court upon application to the Supreme Court under circumstances set out in the Hawai'i Revised Statutes. The ICA's Judgments on Appeal and dismissal orders are subject to the Hawai'i Supreme Court's discretionary review by way of an application for a writ of certiorari.

The current members of the Intermediate Court of Appeals are Chief Judge James S. Burns, and Associate Judges Corinne K. A. Watanabe, John S. W. Lim, Daniel R. Foley, Craig H. Nakamura and Alexa D. M. Fujise.

*Intermediate  
Court of  
Appeals*

**ACTIONS FILED**

A total of 319 primary cases and 195 supplemental proceedings were assigned to the ICA in fiscal year 2005-06. Primary cases are assigned from the Supreme Court, while supplemental proceedings may be filed directly with the ICA or transferred from the Supreme Court.

**TERMINATIONS**

During fiscal year 2005-06, the ICA terminated 59% of its total caseload. This figure includes 317 primary cases and 203 supplemental proceedings.

**STATUS OF PENDING CASES**

At the end of the 2005-06 fiscal year, 347 primary cases and 9 supplemental cases were pending, representing 41% of the total caseload for the year.

**JUDGES AND THEIR TERMS**

CHIEF JUDGE JAMES S. BURNS

*May 14, 2002 - May 13, 2012*

ASSOCIATE JUDGE CORINNE K.A. WATANABE

*May 11, 2002 - May 10, 2012*

ASSOCIATE JUDGE JOHN S.W. LIM

*June 1, 1999 - May 31, 2009*

ASSOCIATE JUDGE DANIEL R. FOLEY

*October 2, 2000 - October 1, 2010*

ASSOCIATE JUDGE CRAIG H. NAKAMURA

*April 8, 2004 - April 7, 2014*

ASSOCIATE JUDGE ALEXA D.M. FUJISE

*June 10, 2004 - June 9, 2014*



Land  
Court

DESCRIPTION

The Land Court is a statewide court of record with exclusive jurisdiction over all applications for the registration of title to land and easements or rights in land held and possessed in fee simple within the state. It has the power to hear and determine all questions arising upon applications as they come before it under Hawai'i Revised Statutes, Chapter 501, subject to the rights of appeal.

ACTIONS FILED

In fiscal year 2005-06, 13 cases were filed in the Land Court. Combined with the 32 cases pending at the end of the last fiscal year, the Land Court handled a total caseload of 45 cases.

TERMINATIONS AND PENDING CASES

Eighteen cases were terminated during fiscal year 2005-06, leaving 27 cases pending at the start of the new fiscal year.

Tax Appeal  
Court

DESCRIPTION

The Tax Appeal Court is a statewide court with jurisdiction over disputes concerning property, excise, liquor, income and insurance taxes.

The Tax Appeal Court is located in Honolulu and convenes in the other circuits (Hawai'i, Maui and Kaua'i) at least once each year to hear disputes involving real property taxes.

ACTIONS FILED

In fiscal year 2005-06, 109 cases were filed in the Tax Appeal Court. Combined with the 507 pending cases at the end of the last fiscal year, the Tax Appeal Court's total caseload was 616 cases.

TERMINATIONS AND PENDING CASES

The Tax Appeal Court terminated a total of 302 cases, or 49% of the court's caseload, during the 2005-06 fiscal year. At the close of the fiscal year, 314 cases remained pending.

## *Trial Courts*

Hawaii's trial level is comprised of Circuit Courts and District Courts. Family Courts are included in the Circuit Courts. Hawaii's trial courts function in four circuits that correspond approximately to the geographical areas served by the counties.

The First Circuit serves the City and County of Honolulu.

The Second Circuit serves the County of Maui, which includes the islands of Maui, Moloka'i and Lāna'i.

The Third Circuit, divided into the districts of Hilo and Kona, administers the County of Hawai'i.

The Fourth Circuit is no longer used as a circuit designation. The Third and Fourth Circuits merged in 1943.

The Fifth Circuit serves the County of Kaua'i, which includes the islands of Kaua'i and Ni'ihau.

Circuit  
Courts

STRATEGIC MISSION

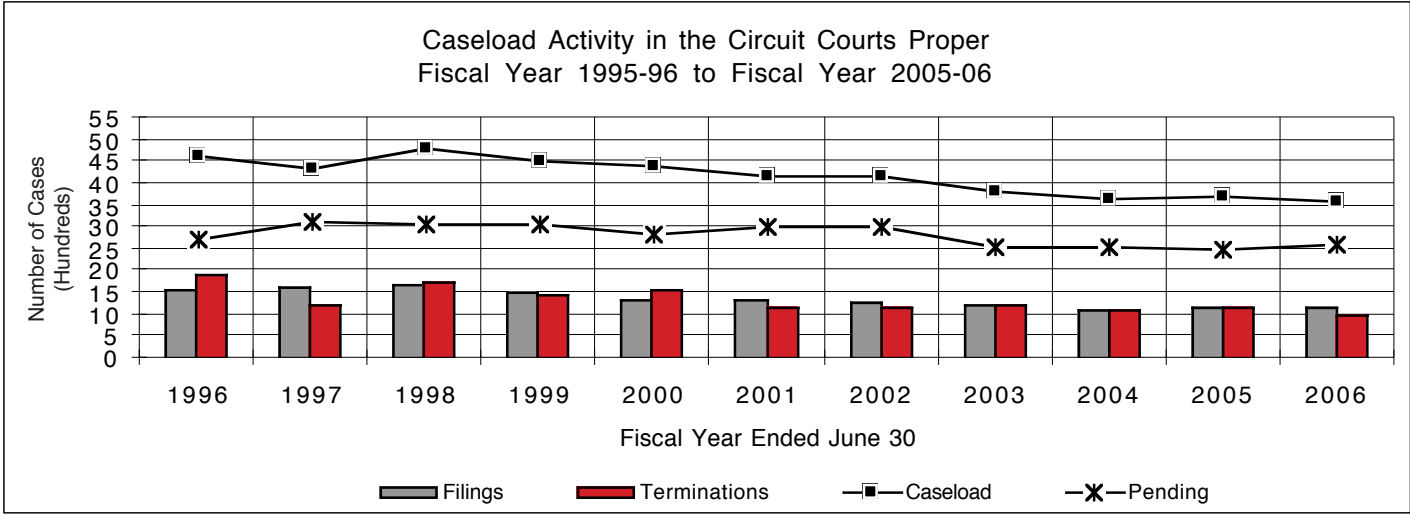
The mission of the Circuit Court is to expeditiously and fairly adjudicate or resolve all matters within its jurisdiction in accordance with the law.

DESCRIPTION

All jury trials are held in the Circuit Courts, which have general jurisdiction in civil and criminal cases. They also have exclusive jurisdiction in probate, guardianship and criminal felony cases, as well as civil cases where the contested amount exceeds \$20,000. Circuit Courts share concurrent jurisdiction with District

Courts in civil non-jury cases that specify amounts between \$10,000 and \$20,000. Additional cases dispensed by the Circuit Courts include mechanics' liens and misdemeanor violations transferred from the District Courts for jury trials.

Circuit Court judges are appointed to ten-year terms by the Governor from a list of not less than four and not more than six nominees provided by the Judicial Selection Commission. The nominees are subject to confirmation by the State Senate.



## *Circuit Courts*

### **ACTIONS FILED**

Filings in the Circuit Courts proper totaled 11,424 cases in fiscal year 2005-06. Of the cases filed, 3,448, or 30%, were civil cases; and 4,815, or 42%, were criminal cases.

### **TERMINATIONS**

During fiscal year 2005-06, the Circuit Courts terminated 9,713 cases.

### **STATUS OF PENDING CASES**

At the end of the 2005-06 fiscal year, a total of 33,953 cases were pending in the Circuit Courts proper. This includes 2,892 inactive criminal cases and 4,878 criminal cases on deferred status.

### **ADULT PROBATION DIVISIONS**

There were 4,796 investigations completed during fiscal year 2005-06. In super-vision cases, where persons were placed on probation or subject to court-ordered control, including offenders released from the Hawai'i State Hospital, there were 6,790 new placements added to the 15,616 cases pending from the previous fiscal year. Of these, 3,899 cases were closed, leaving 18,507 open at the end of the 2005-06 fiscal year.

## Circuit Court Judges and Their Terms

### FIRST CIRCUIT

KARL K. SAKAMOTO, 1<sup>ST</sup> DIVISION  
*June 1, 2000 - May 31, 2010*

STEVEN S. ALM, 2<sup>ND</sup> DIVISION  
*May 14, 2001 - May 13, 2011*

VICTORIA S. MARKS, 3<sup>RD</sup> DIVISION  
*May 26, 2004 - May 25, 2014*

MARCIA J. WALDORF, 4<sup>TH</sup> DIVISION  
*June 18, 2002 - June 17, 2012*

EDEN ELIZABETH HIFO, 5<sup>TH</sup> DIVISION  
*April 30, 2003 - April 29, 2013*

MICHAEL D. WILSON, 6<sup>TH</sup> DIVISION  
*May 10, 2000 - May 9, 2010*

RICHARD W. POLLACK, 7<sup>TH</sup> DIVISION  
*May 10, 2000 - May 9, 2010*

RICHARD K. PERKINS, 8<sup>TH</sup> DIVISION  
*May 6, 2004 - May 5, 2014*

VIRGINIA LEA CRANDALL, 9<sup>TH</sup> DIVISION  
*April 1, 2001 - March 31, 2011*

RHONDA A. NISHIMURA, 10<sup>TH</sup> DIVISION  
*June 20, 2003 - June 19, 2013*

KAREN S. S. AHN, 11<sup>TH</sup> DIVISION  
*May 10, 2000 - May 9, 2010*

RANDAL K. O. LEE, 12<sup>TH</sup> DIVISION  
*April 22, 2005 - April 21, 2015*

DEXTER D. DEL ROSARIO, 13<sup>TH</sup> DIVISION  
*April 15, 2004 - April 14, 2014*

GARY W. B. CHANG, 14<sup>TH</sup> DIVISION  
*June 1, 1999 - May 31, 2009*

KAREN N. BLONDIN, 15<sup>TH</sup> DIVISION  
DEPUTY CHIEF JUDGE  
CIVIL DIVISION  
*May 11, 2002 - May 10, 2012*

PATRICK W. BORDER, 16<sup>TH</sup> DIVISION  
*April 8, 2004 - April 7, 2014*

REYNALDO D. GRAULTY, 17<sup>TH</sup> DIVISION  
*March 5, 1999 - March 4, 2009*

FRANCES Q. F. WONG, 18<sup>TH</sup> DIVISION  
DEPUTY CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*May 11, 2002 - May 10, 2012*

MICHAEL A. TOWN, 19<sup>TH</sup> DIVISION  
*April 30, 2003 - April 29, 2013*

COLLEEN K. HIRAI, 20<sup>TH</sup> DIVISION  
CHIEF JUDGE  
*May 6, 2004 - May 5, 2014*

BERT I. AYABE, 21<sup>ST</sup> DIVISION  
*June 10, 2004 - June 9, 2014*

SABRINA S. MCKENNA, 22<sup>ND</sup> DIVISION  
*June 30, 2005 - June 29, 2015*

DERRICK H. M. CHAN, 23<sup>RD</sup> DIVISION  
DEPUTY CHIEF JUDGE  
CRIMINAL DIVISION  
*August 25, 2000 - August 24, 2010*



*Circuit Court Judges  
and Their Terms*

**SECOND CIRCUIT**

SHACKLEY F. RAFFETTO, 1<sup>ST</sup> DIVISION  
CHIEF JUDGE/SENIOR FAMILY COURT JUDGE  
*June 9, 2004 - June 8, 2014*

JOEL E. AUGUST, 2<sup>ND</sup> DIVISION  
*June 10, 2002 - June 9, 2012*

JOSEPH E. CARDOZA, 3<sup>RD</sup> DIVISION  
*June 24, 1999 - June 23, 2009*

RICHARD T. BISSEN, JR., 4<sup>TH</sup> DIVISION  
*April 29, 2005 - April 28, 2015*

**THIRD CIRCUIT**

GREG K. NAKAMURA, 1<sup>ST</sup> DIVISION  
DEPUTY CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*April 18, 2004 - April 17, 2014*

GLENN S. HARA, 2<sup>ND</sup> DIVISION  
*June 25, 2004 - June 24, 2014*

RONALD IBARRA, 3<sup>RD</sup> DIVISION  
CHIEF JUDGE  
*May 10, 1999 - May 9, 2009*

ELIZABETH A. STRANCE, 4<sup>TH</sup> DIVISION  
*March 31, 2005 - March 30, 2015*

**FIFTH CIRCUIT**

GEORGE M. MASUOKA, 1<sup>ST</sup> DIVISION  
CHIEF JUDGE/SENIOR FAMILY COURT JUDGE  
*July 8, 1998 - July 7, 2008*

KATHLEEN N. A. WATANABE, 2<sup>ND</sup> DIVISION  
*August 17, 2005 - August 16, 2015*

Family  
Courts

STRATEGIC MISSION

The mission of the Family Court is to provide a fair, speedy, economical and accessible forum for the resolution of matters involving families and children.

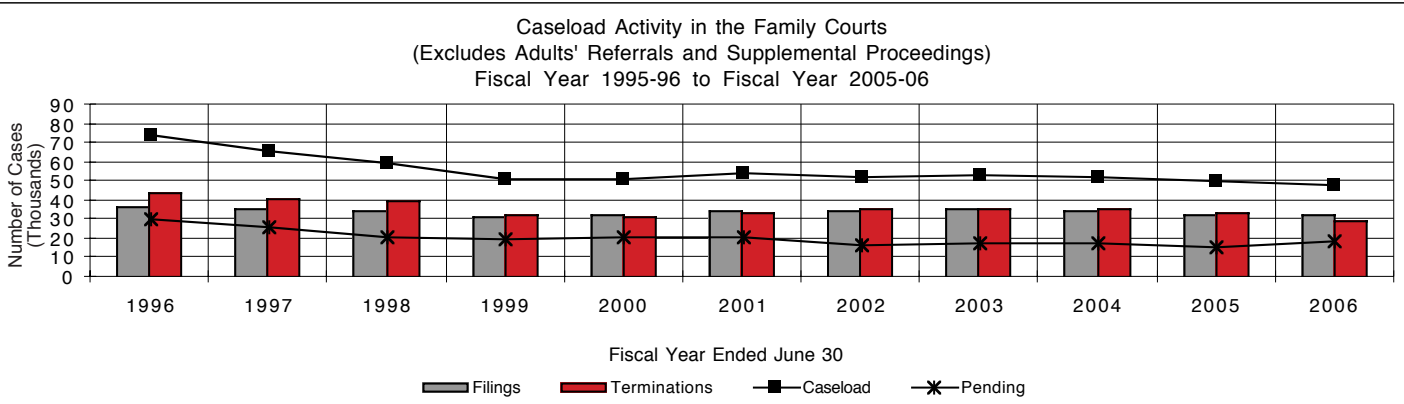
DESCRIPTION

The Family Courts were established by statute in 1965 to deal with virtually all legal problems impinging on Hawaii's families and children.

The Family Court hears all legal matters involving children, such as delinquency, waiver, status offenses,

abuse and neglect, termination of parental rights, adoption, guardianships and detention. The Family Court also hears traditional domestic relations cases, including divorce, nonsupport, paternity, uniform child custody jurisdiction cases and miscellaneous custody matters.

District Family Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate.



*Family  
Courts*

**ACTIONS FILED**

A total of 32,469 cases were filed in the Family Courts in fiscal year 2005-06.

**TERMINATIONS**

Terminations totaled 29,800 in fiscal year 2005-06.

**STATUS OF PENDING CASES**

There were 18,600 cases pending at the end of fiscal year 2005-06.

## Family Court Judges and Their Terms

### **FIRST CIRCUIT**

FRANCES Q. F. WONG,  
FIRST CIRCUIT COURT  
18<sup>TH</sup> DIVISION  
DEPUTY CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*May 11, 2002 - May 10, 2012*

PATRICK W. BORDER,  
FIRST CIRCUIT COURT  
16<sup>TH</sup> DIVISION  
*April 8, 2004 - April 7, 2014*

RHONDA A. NISHIMURA,  
FIRST CIRCUIT COURT  
10<sup>TH</sup> DIVISION  
*June 20, 2003 - June 19, 2013*

MICHAEL F. BRODERICK  
*June 6, 2003 - June 5, 2009*

R. MARK BROWNING  
*June 6, 2003 - June 5, 2009*

JENNIFER L. CHING  
*June 24, 2005 - June 23, 2011*

KENNETH E. ENRIGHT  
*February 28, 2003 - February 27, 2009*

CHRISTINE E. KURIYAMA  
*May 20, 2004 - May 19, 2010*

LINDA K. C. LUKE  
*December 29, 2004 - December 28, 2010*

PAUL T. MURAKAMI  
*June 7, 2002 - June 6, 2008*

KAREN M. RADIUS  
*December 9, 2006 - December 8, 2012*

BODE A. UALE  
*October 27, 2004 - October 26, 2010*

### **SECOND CIRCUIT**

SHACKLEY F. RAFFETTO,  
SECOND CIRCUIT COURT  
1<sup>ST</sup> DIVISION  
CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*June 9, 2004 - June 8, 2014*

SIMONE C. POLAK  
*May 28, 2004 - May 27, 2010*

GERONIMO VALDRIZ, JR.  
*May 26, 2006 - May 25, 2012*

### **THIRD CIRCUIT**

GREG K. NAKAMURA,  
THIRD CIRCUIT COURT  
1<sup>ST</sup> DIVISION  
DEPUTY CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*April 18, 2004 - April 17, 2014*

ALEY K. AUNA, JR.  
*April 4, 2006 - April 3, 2012*

BEN H. GADDIS  
*May 17, 2001 - May 16, 2007*

TERENCE T. YOSHIOKA  
*April 28, 2006 - April 27, 2012*

### **FIFTH CIRCUIT**

GEORGE M. MASUOKA,  
FIFTH CIRCUIT COURT  
1<sup>ST</sup> DIVISION  
CHIEF JUDGE/  
SENIOR FAMILY COURT JUDGE  
*July 8, 1998 - July 7, 2008*

CALVIN K. MURASHIGE  
*June 25, 2005 - June 24, 2011*

## District Courts

### STRATEGIC MISSION

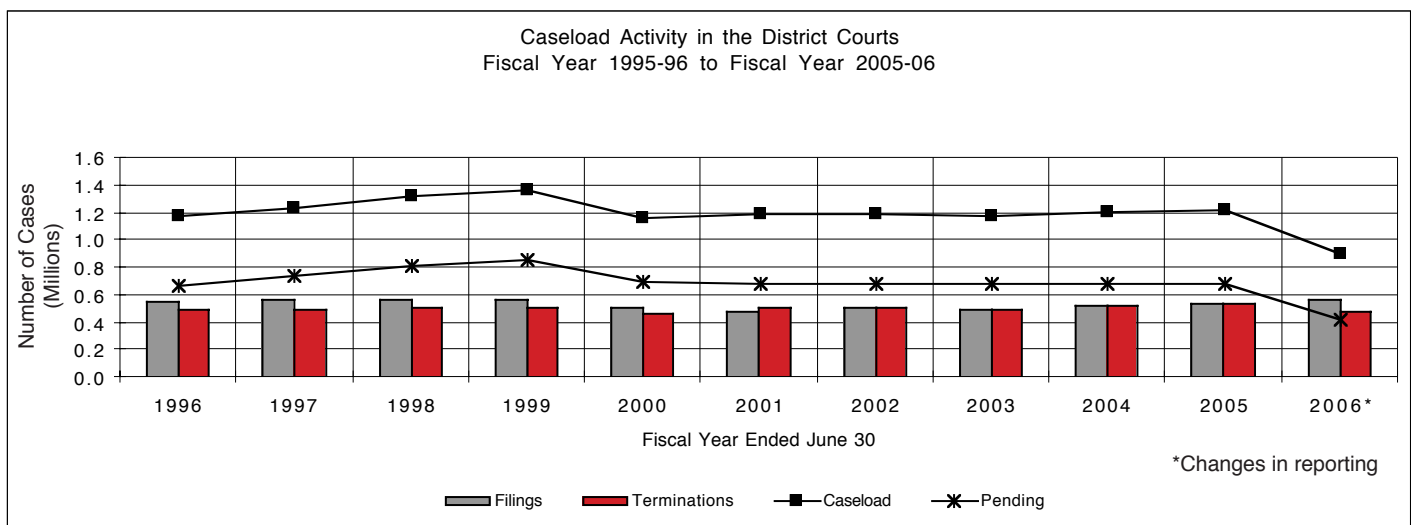
The mission of the District Court is to serve the people of Hawai'i through the fair and efficient adjudication and resolution of cases and controversies brought before it.

### DESCRIPTION

The District Courts have exclusive jurisdiction over traffic infractions and summary possession or ejectment proceedings (landlord-tenant), regardless of the claim amount. The District Courts also have jurisdiction over non-jury trial civil cases where the debt, amount, damages or value of the property claimed

does not exceed \$20,000, or where the remedy sought is specific performance valued under \$20,000, criminal offenses punishable by fine or by imprisonment not exceeding one year, cases arising from violations of a county ordinance, and petitions for restraining orders for relief from and for injunctions against harassment.

District Court judges are appointed to six-year terms by the Chief Justice from a list of at least six names submitted for each opening by the Judicial Selection Commission, subject to confirmation by the State Senate.





## District Courts

### ACTIONS FILED

During the 2005-06 fiscal year, 561,528 cases were filed in the District Courts. Traffic violation cases constituted the bulk of the filings, accounting for 87% of all filings. Civil actions represented approximately 3% of filings, criminal actions 9% and other violations 1%.

### TERMINATIONS

A total of 477,930 cases were terminated in the District Courts during the fiscal year.

### PENDING CASES

There were 424,095 cases pending at the end of fiscal year 2005-06.

*District Court Judges  
and Their Terms*

**FIRST CIRCUIT**

COLETTE Y. GARIBALDI  
DEPUTY CHIEF JUDGE  
*February 28, 2003 - February 27, 2009*

WILLIAM A. CARDWELL  
*May 20, 2004 - May 19, 2010*

HILARY BENSON GANGNES  
*May 22, 2002 - May 21, 2008*

LESLIE ANN HAYASHI  
*November 5, 2002 - November 4, 2008*

GERALD H. KIBE  
*January 6, 2001 - January 5, 2007*

FAYE M. KOYANAGI  
*June 10, 2003 - June 9, 2009*

LONO J. LEE  
*June 10, 2003 - June 9, 2009*

DAVID W. LO  
*August 23, 2006 - August 22, 2012*

CHRISTOPHER P. MCKENZIE  
*May 22, 2002 - May 21, 2008*

RUSSEL S. NAGATA  
*October 5, 2004 - October 4, 2010*

EDWIN C. NACINO  
*May 6, 2005 - May 5, 2011*

CLARENCE A. PACARRO  
*June 7, 2002 - June 6, 2008*

BARBARA P. RICHARDSON  
*May 5, 2006 - May 4, 2012*

FA'AUUGA TO'OTO'O  
*December 9, 2006 - December 8, 2012*

**SECOND CIRCUIT**

RHONDA I. L. LOO  
DEPUTY CHIEF JUDGE  
*May 1, 2003 - April 30, 2009*

REINETTE W. COOPER  
*Retired October 1, 2006*

DOUGLAS H. IGE  
*June 28, 2002 - June 27, 2008*

**THIRD CIRCUIT**

MATTHEW S. K. PYUN, JR.  
DEPUTY CHIEF JUDGE  
*May 14, 2003 - May 13, 2009*

JOSEPH P. FLORENDO, JR.  
*November 3, 2004 - November 2, 2010*

BARBARA T. TAKASE  
*May 26, 2004 - May 25, 2010*

**FIFTH CIRCUIT**

CALVIN K. MURASHIGE  
DEPUTY CHIEF JUDGE  
*June 25, 2005 - June 24, 2011*

TRUDY K. SENDA  
*May 4, 2001 - May 3, 2007*

## *Per Diem Judges*

### FIRST CIRCUIT

Patricia Aburano  
Valerie W.H. Chang  
Gale L.F. Ching  
Darryl Y. C. Choy  
James H. Dannenberg  
Paula Devens  
Philip M. Doi  
Peter C.K. Fong  
James Hershey  
Lenore K.J.H. Lee  
Wilson M.N. Loo  
Michael A. Marr  
Linda S. Martell  
Patricia Ann McManaman  
William J. Nagle, III  
Alvin K. Nishimura  
Blake T. Okimoto  
Nancy Ryan  
Randal I. Shintani  
Peter T. Stone  
Clyde E. Sumida  
Matthew J. Viola  
William K. Wallace, III  
Timothy David Woo, Jr.  
Gregg Young

### SECOND CIRCUIT

Jan K. Apo  
Michelle L. Drewyer  
Renata E. Foster-Au  
Ruby A. Hamili  
Paul L. Horikawa  
Mary Blaine Johnston  
Kelsey T. Kawano  
Barclay E. MacDonald  
Lloyd A. Poelman  
Richard A. Priest, Jr.  
Eric G. Romanchak  
Douglas J. Sameshima

### THIRD CIRCUIT

Karen Napua Brown  
William S. Chillingworth  
Victor M. Cox  
Colin L. Love  
Wayne C. Metcalf, III  
John P. Moran  
Jeanne L. O'Brien

### FIFTH CIRCUIT

Max W.J. Graham, Jr.  
Walton D.Y. Hong  
Joseph N. Kobayashi  
Gerald S. Matsunaga  
Frank D. Rothschild

## Support Services

### STRATEGIC MISSION

The mission of the Office of the Administrative Director of the Courts is to promote the administration of justice in Hawai'i by providing professional, responsive administrative support to the Chief Justice, the courts and Judiciary programs and to expedite, facilitate and enhance the mission of the Judiciary.

### ADMINISTRATION

The Office of the Administrative Director of the Courts has the primary responsibility for daily operations of the court system. The Administrative Director is appointed by the Chief Justice with the approval of the Supreme Court, and is assisted by the Deputy Administrative Director.

The Administrative Director also coordinates the Judiciary's annual presentations to the Legislature, both for the Judiciary budget and for changes in laws relating to operation of the judicial system.

Administrative programs are divided into four departments. The Intergovernmental and Community Relations Department includes: Staff Attorney, Public Affairs, King Kamehameha V Judiciary History Center, Children's Justice Centers, Law Library, Center for Alternative Dispute Resolution, Equality and Access to the Courts, Office of the Public Guardian and Volunteers in Public Service. The Support Services Department includes: Financial Services, Information Technology and Communications and Admin Fiscal. The Policy and Planning Department includes: Budget and Statistics, Planning and Program Evaluation, Internal Audit, Affirmative Action/EEO, Administrative Driver's License Revocation Office and Special Projects/Legislative Office. The Human Resources Department includes: Administrative Services, Classification and Pay, Employee Services, Labor Relations, Recruitment and Examinations, Workers' Compensation and Judicial Education.

## *Financial Resources*

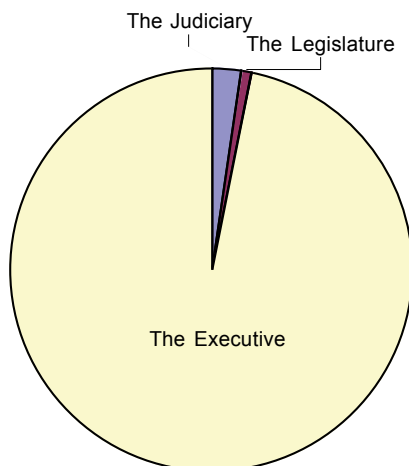
Appropriations for the Hawai'i State Judiciary are made by the Legislature on a statewide basis, with each fiscal year beginning July 1 and ending June 30. Both the operating and capital improvements budgets of the Judiciary are legislatively determined each biennium with operating monies allocated from the State General and Special Funds and capital improvement monies from the State Capital Project Fund.

Combined, the State General and the Capital Project Funds represent over 96 percent of the funding source of all Judiciary expenditures. The Legislature appropriated \$124,773,464 from the State General Fund for operations during the current fiscal year, and \$95,500,000 to the Judiciary from the State Capital Project Fund. Other operating monies come from federal funds, trust funds and special revenue funds, such as the Driver Education and Training Fund.

## Financial Resources

### THE JUDICIARY OPERATING FUNDS FISCAL YEARS 2006-2009 BUDGET SUMMARY

PROGRAM		FY 2006 Actual Expenditures	FY 2007 Planned Expenditures	Biennium Budget Appropriations	
				FY 2008	FY 2009
JUD 101 - COURTS OF APPEAL					
	General Fund	6,395,375	6,688,266	7,012,669	7,052,442
	Revolving Fund	18,373	243,261	243,261	243,261
JUD 310 - FIRST CIRCUIT					
	General Fund	63,647,958	68,207,924	71,034,339	69,615,598
	Special Fund	2,832,514	3,515,326	3,515,326	3,515,326
JUD 320 - SECOND CIRCUIT					
	General Fund	13,456,344	14,042,711	14,662,020	14,684,855
	Special Fund	0	0	175,000	0
JUD 330 - THIRD CIRCUIT					
	General Fund	15,392,154	15,981,962	17,997,049	17,772,248
JUD 350 - FIFTH CIRCUIT					
	General Fund	5,655,679	6,779,458	6,878,391	6,898,490
JUD 601 - ADMINISTRATION					
	General Fund	20,150,957	20,365,415	20,754,890	20,419,053
	Special Fund	4,557,615	5,554,237	5,554,237	5,554,237
	Revolving Fund	0	100,000	100,000	100,000
TOTALS					
	General Fund	124,698,467	132,065,736	138,339,358	136,442,686
	Special Fund	7,390,129	9,069,563	9,069,563	9,069,563
	Revolving Fund	18,373	343,261	343,261	343,261



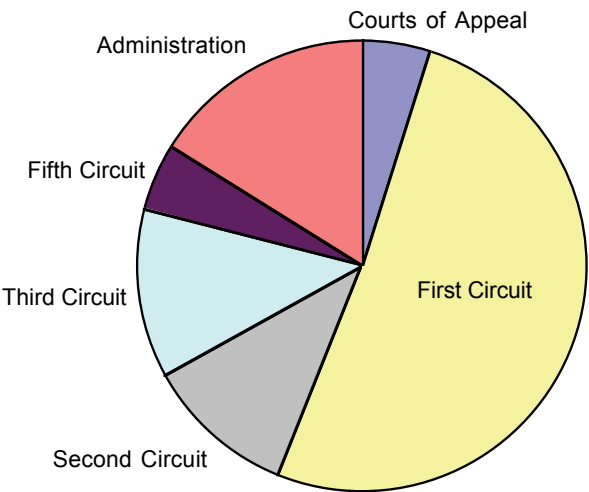
### TOTAL STATE GOVERNMENT APPROPRIATIONS FROM STATE GENERAL FUND FISCAL YEAR 2005-06

The Judiciary	2.63%	\$ 124,773,464
The Legislature	.64%	30,431,572
The Executive	96.73%	4,585,067,748
<b>Total</b>		<b>\$ 4,740,272,784</b>

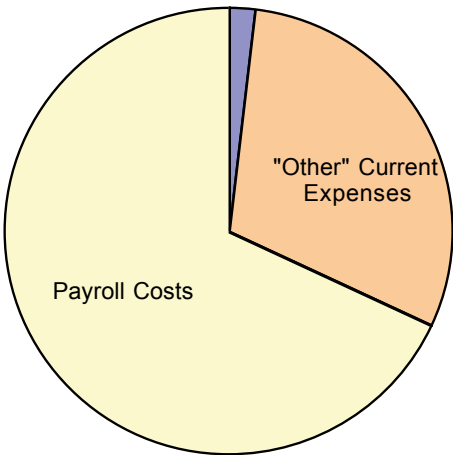
Financial  
Resources

STATE GENERAL FUND EXPENDITURES  
BY COURT ELEMENT  
FISCAL YEAR 2005-06

Courts of Appeal	5.1%	\$ 6.4 million
First Circuit	51.1%	63.6 million
Second Circuit	10.8%	13.5 million
Third Circuit	12.3%	15.4 million
Fifth Circuit	4.5%	5.7 million
Administration	16.2%	20.1 million
Total		\$ 124.7 million



Equipment



STATE GENERAL FUND EXPENDITURES  
BY COST CATEGORY  
FISCAL YEAR 2005-06

Equipment	2%	\$ 2.4 million
"Other" Current Expenses	30%	36.9 million
Payroll Costs	68%	85.4 million
Total		\$ 124.7 million

## *List of Available Judiciary Publications*

IF YOU ARE INTERESTED IN THE FOLLOWING PUBLICATIONS, PLEASE CONTACT:

The Judiciary Public Affairs Office  
Ali'iōlani Hale  
417 South King Street  
Room 206-C  
Honolulu, Hawai'i 96813

Internet site: [www.courts.state.hi.us](http://www.courts.state.hi.us)

### **PUBLICATIONS**

Are You Interested in Being a Court Interpreter?

Attorney-Client Relations Program

Center for Alternative Dispute Resolution

Dispute Resolution Procedures

Going to Probate Court?

Going to Small Claims Court?

Mediation Times

Selecting a Facilitator

Selecting a Mediator

What is Facilitation?

When You Have Disputes, There Are Choices

Children and Divorce

Children's Justice Center of O'ahu

Commission on Judicial Conduct

Community Mediation

Community Service Sentencing Branch

Court Orientation Tours

Disciplinary Complaints Against Lawyers

King Kamehameha V Judiciary History Center

Lawline

Lawyer Referral Information Service

Speakers Bureau Program

The Judiciary State of Hawai'i 2006 Annual Report

The Judiciary State of Hawai'i 2006 Statistical Supplement

The Judiciary Welcomes Volunteers

Your Guide to Small Claims Court

Your Guide to Regular Claims Court

### **VIDEOS**

*An Informational Video on Deferred Acceptance of Guilty (DAG) and  
Deferred Acceptance of No Contest (DANC) Pleas (TRT 18:00)*

*Broken Scales: Justice Under Influence (TRT 18:17)*

*Informational Video on Small Claims (TRT 16:18)*

*Informational Video on Traffic Violations (TRT 15:15)*

*Jury Orientation Video (TRT 18:25)*

*Mediation: An Alternative to Court (TRT: 18:00)*

*The Purple Family: Divorce Education Video (TRT 23:52)*